

# **LICENSING SUB-COMMITTEE 2**

**TUESDAY 14<sup>th</sup> JANUARY, 2014**

**AT 10.00 AM  
COUNCIL CHAMBER  
COUNCIL HOUSE  
PRIORY ROAD  
DUDLEY**

**If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you**

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**You can view information about Dudley MBC on  
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## **IMPORTANT NOTICE**

### **COUNCIL MEETINGS**

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There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

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Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

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Your ref:	Our ref:	Please ask for:	Telephone No.
	KT	Karen Taylor	01384 818116

2<sup>nd</sup> January, 2014

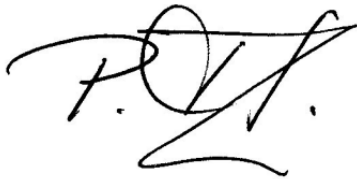
Dear Member

**Meeting of the Licensing Sub-Committee 2 – Tuesday 14<sup>th</sup> January 2014**

You are requested to attend a meeting of the Licensing Sub-Committee 2 to be held on Tuesday 14<sup>th</sup> January 2014 at 10.00 am in the Council Chamber, Council House, Priory Road to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

**A G E N D A**

1 APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' code of conduct

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 17<sup>th</sup> September, 2013 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – HIGH STREET EXTRAS (PREMIER), 79 HIGH STREET, DUDLEY (PAGES 1 - 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR VARIATION OF LICENCE - BANDIT QUEEN GENTLEMEN'S CLUB, 93 KING STREET, DUDLEY (PAGES 6 -29)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – ROYAL ORTHOPAEDIC HOSPITAL BONE TUMOUR SERVICES/BE CHILD CANCER AWARE AND RECYCLING AND MANAGEMENT SERVICES LTD (PAGES 30 - 32)

To consider a report of the Director of Corporate Resources

8. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

To: All Members of Licensing Sub-Committee 2, namely:

Councillor Russell  
(Chair)

Councillor Cowell

Councillor Taylor

## **LICENSING SUB-COMMITTEE 2**

Tuesday 17<sup>th</sup> September, 2013 at 10.10 am  
in the Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillors Bills, Cowell and Taylor

### **Officers: -**

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor – All Directorate of Corporate Resources.

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#### **1        ELECTION OF CHAIR**

In the absence of the chair (Councillor Russell) it was

RESOLVED

That Councillor Bills be elected chair for this meeting of the Sub-Committee only.

(Councillor Bills in the Chair)

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#### **2        APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Russell.

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#### **3        APPOINTMENT OF SUBSTITUTE MEMBER**

It was noted that Councillor Bills was serving as a substitute member for Councillor Russell for this meeting of the Sub-Committee only.

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#### **4        DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

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#### **5        MINUTES**

## RESOLVED

That the minutes of the meeting of the Sub-Committee held on 27<sup>th</sup> November, 2012, be approved as a correct record and signed.

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### 6 APPLICATION FOR REVIEW OF PREMISES LICENCE – SANDHARS SUPERMARKET, 69 WELLINGTON ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley.

Mr B Sandhar, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together his Solicitor, Mr P Burke; Mrs S Sandhar, wife and employee, and Mr S Sandhar, brother and employee.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 24<sup>th</sup> July, 2012 and 16<sup>th</sup> August, 2012 in direct contravention of the licensing objectives.

Mr King further stated that on 24<sup>th</sup> July, 2012, during a routine advisory visit, an officer found and seized five 1ltr bottles of Glens Vodka from the shelving behind the shop counter at the premises as it was suspected that they were displaying counterfeit duty paid labels on the rear. Mr B Sandhar, who was present at the premises, was given a Traders Notice 0362 as a receipt for the seizure.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

A second inspection of the premises was undertaken on 16<sup>th</sup> August, 2012, together with a BBC film crew who were filming for a forthcoming TV series centred on the role of Trading Standards officers. On entering the premises, introductions were given to Mr B Sandhar who was again present at the premises.

It was noted that during the examination of the stock of alcohol that was displayed in the premises, an officer found a 70cl bottle of Glens Vodka displayed on the shelving behind the counter. Mr Sandhar was then asked whether he had any additional bottles of Vodka in the store, which he did not respond to, and then disappeared into the rear of the premises. Following Mr Sandhar's return, officers were directed to the rear storeroom in order to check any stock.

During the inspection of the storeroom, an officer found eight cases of Vodka on a shelving unit hidden under a blanket, containing sixty bottles altogether. It was noted that there were two cases of 70cl bottles of Glens Vodka containing twenty-four bottles, all of which appeared to have counterfeit rear duty labels displayed on the rear of the bottles.

It was noted that there were also five cases of 70cl bottles of Premier Vodka containing thirty bottles hidden under a blanket. It was believed that this Vodka was manufactured in Italy but the maker and importer could not be confirmed, and although the bottles displayed an excise duty stamp on the rear label, HMRC were unable to confirm whether it was genuine. When challenged, Mr Sandhar denied any knowledge of the vodka, which was then seized and Mr Sandhar was given a Traders Notice 0367 as receipt for the seized vodka.

The manufacturer of the spirits had confirmed, as in the previous seizure, the bottles were genuine and manufactured for the export market with export labels attached, and at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC. The estimated cost of duty evasion in relation to the seized bottles was £487.

On 28<sup>th</sup> November, 2012, Mr Sandhar attended the offices of Trading Standards for an interview under caution. During the interview Mr Sandhar stated that his brother, Mr S Sandhar, had been responsible for the purchase of the Vodka, and that his brother, who was in India at the time of the interview, had bought the Vodka from a retailer, Mr Atwal, who had previously owned the Select and Save store on the High Street in Dudley.

During the interview, Mr Sandhar produced a receipt dated 20<sup>th</sup> February, 2012 which identified that the Glens Vodka had been sold to the Select and Save business by a company named Express Food and Drinks Ltd, based in Sheffield. It was noted that the manufacturer indicated that the vodka seized on 24<sup>th</sup> July, 2012 was not manufactured until 16<sup>th</sup> April, 2012 and was not in existence on the date shown on the invoice submitted. Further enquires identified that Express Food and Drinks Ltd had left its base in Sheffield in April, 2011, and the receipt was believed to be a forged document manufactured to 'legitimise' the sale of the vodka.

It was also noted that enquiries were made with Mr Atwal, who informed officers that when his business closed down all stock was sold to a family who had opened up a new business in Dudley. He refuted Mr Sandhar's story that the remaining alcohol stock was sold to the Sandhar's, and confirmed that when his business closed there was no alcohol to sell apart from six bottles of cider which he kept for himself.

Mr S Sandhar was then interviewed under caution on 21<sup>st</sup> May, 2013, where he corroborated Mr B Sandhar's account in full. He confirmed that he bought the Vodka from Mr Atwal's father, and that his brother was unaware of the business transaction.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

At this juncture, a number of Glens Vodka that were seized on 24<sup>th</sup> July, 2012 from the premises were tabled to highlight how they were identified as counterfeit. Mr Wintrip stated that although it would be difficult for customers and retailers to identify whether the bottles were counterfeit, a receipt would be issued if the bottles were purchased from a reputable wholesaler.

WPC Lees raised concerns following Trading Standards representations, in respect of the explanations given by Mr Sandhar of how the alcohol was purchased.



Mr Burke then presented the case on behalf of his client, Mr B Sandhar, and in doing so stated that the premises was a family run business for over thirty years and employed ten members of staff. He also stated that there were no issues or problems, and that the seizures had highlighted the need for training.

It was noted that since the seizure by Trading Standards, all employees in attendance at the hearing had undertaken training in relation to the Licensing Act 2003.

It was further noted that Mr S Sandhar had submitted an application for a Personal Licence, as it was the intention that the position of Designated Premises Supervisor would be transferred to him.

Reference was made to the representations presented by Trading Standards, in particular in respect of the purchasing of the alcohol from Mr Atwal. Mr Burke stated that the alcohol was purchased as a 'favour' to a friend, and he questioned why Mr Atwal had not contacted Mr Sandhar upon hearing that the bottles seized were counterfeit.

Mr Burke further stated that he understood the concerns raised, however Mr Sandhar was adamant that the circumstances surrounding the purchasing of the alcohol was genuine, and that it was evidenced with a receipt given by Mr Atwal. He further stated that he had received a number of telephone calls from retailers in regard to seizure of bottles of Glens Vodka, and it was apparent that this was a recurrent issue.

Mr Burke made reference to the conditions suggested by Trading Standards, and stated that Mr Sandhar would be in agreement with the conditions proposed, and suggested additional conditions should the Sub-Committee be minded to consider instead of revocation or suspension.

In responding to questions raised in respect of the alleged sale of alcohol from Mr Atwal to Mr Sandhar, it was noted that Mr Sandhar received a receipt from Mr Atwal but did not check for inaccuracies, as he believed the product was genuine. Mr Burke further stated that the alcohol had been hidden under a blanket as Mr Sandhar had not paid for the alcohol and would be sold as separate stock to give to Mr Atwal.

Reference was made to the statements undertaken during the interview of Mr B Sandhar and Mr S Sandhar, and concerns were raised in respect of the discrepancies between the statements and lack of communication between members of staff.

In responding to a question by the Chair, Mr Burke confirmed that various staff members would purchase and collect stock for the premises.

In responding to a question by the Chair, Mrs Sandhar confirmed that she maintained the business receipts, and all employees worked hard and trusted each other in order to maintain the business, and that there had been no issues or problems with the accounts since the opening of the premises. It was further noted that Mrs Sandhar was on holiday during the seizure of the counterfeit bottles.

In responding to queries raised by the Legal Advisor in relation to a further one 70cl bottle of Glens Vodka found behind the counter during the second inspection on 16<sup>th</sup> August, 2012; Mr Burke stated that Mr Sandhar believed that all counterfeit bottles had been seized during the first inspection in July, 2012, and that it may have been placed on the shelf by another member of staff.

In responding to a question raised by a member in relation to training, it was noted that when Mr Sandhar had applied for his personal licence, he had received training in respect of the Licensing Act 1964, however he had since undertaken training in Licensing Act 2003.

In responding to concerns raised by a member in relation to the management of stock, Mr Burke stated that this was a 'one-off' incident and that the normal practice was to purchase alcohol from a cash and carry outlet.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 24<sup>th</sup> July, 2012 and 16<sup>th</sup> August, 2012, and asked the Sub-Committee to consider the facts presented.

In summing up, Mr Burke on behalf of Mr B Sandhar stated that this was the first incident during a long period of time whilst Mr Sandhar had been at the premises. He further stated that Mr Sandhar was adamant that the circumstances surrounding the purchase of the alcohol was true.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the premises licence issued to Sandhars Supermarket, 69 Wellington Road, Dudley be suspended for a period of four weeks, and that Mr B Sandhar be removed as the Designated Premises Supervisor.

The following conditions will be attached to the premises licence: -

#### Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Sandhar was informed of his right to appeal the decision of the Sub-Committee.

#### REASONS FOR DECISION

This is an application for a review of the premises licence, brought by trading standards on 27<sup>th</sup> June 2013, as a result of trading standards confiscating five, one litre bottles of Glens Vodka, on 24<sup>th</sup> July 2012. It was believed at the time of the seizure, and later confirmed, that the duty labels on the back of the five bottles were counterfeit, and that U.K. duty had not been paid on the product. Trading Standards evidence was that whilst an average member of the public would not be able to identify the labels as counterfeit, a person in the trade, purchasing them should have known because 1) the bottles would not have been sold through a reputable cash and carry and (2) the price would have been less than that in a cash and carry. Despite a request, no receipt was initially provided for their purchase.

On 16<sup>th</sup> August, 2012 a further one bottle of 70cl Vodka was found in the Supermarket. Mr Bakhtawar Sandhar stated that there were no further bottles in store, but Trading Standards found 60 further bottles of alcohol hidden under a blanket on a shelving unit in the store room. 24, 70cl bottles of Vodka were found to have counterfeit duty labels. 30 bottles were believed to have been bought from Italy and brought into the country unlawfully.

A receipt was provided for the purchase of the vodka, which the Premises Licence Holder states he was given by a Mr Atwal, owner of a business called Select and Save, which was closing down. Trading Standards stated that the receipt from a store in Sheffield was a forgery and the receipt was dated 20<sup>th</sup> February, 2012, but that the Sheffield business had left the address on the receipt some 10 months prior to this date. Mr Sandhar states that he did not check the receipt. He also stated that the stock was under a blanket, because it was not part of the stock. However, despite 5 one litre bottles being seized, a further one 70cl bottle was put on the shelf and found on 16<sup>th</sup> August 2012. In evidence, the three members of the family running the business could not really explain why a bottle was on sale on 16<sup>th</sup> August 2012, despite the previous seizure, and stated that another member of staff (there are 10 in total employed in the shop) could have brought it out. It therefore appears that the stock, allegedly under a blanket to keep it separate, may still have been entering the shelves after 24<sup>th</sup> July, 2012.

The Sub-Committee finds that this business has not been managed properly in order to meet the licensing objectives. Despite the business being put on notice that 5 bottles of Vodka were counterfeit on 24<sup>th</sup> July 2012, the remainder of the purchase was found in the store room on 16<sup>th</sup> August 2012, with one bottle on the shelf for sale. It is not acceptable for alcohol to be stored in the store room, under a blanket, when it was apparently not for sale. At best, this is mismanagement of the premises, but with the additional culpability that the business was on notice that bottles from the same purchase were counterfeit. These should not have been in the store.

The Sub-Committee has heard that the business intends to replace Mr Bakhtawar Sandhar as Designated Premises Supervisor. The Sub-Committee however takes the step of removing him as the Designated Premises Supervisor in the light of his mismanagement of these premises. Whilst it is beyond the power of this Sub-Committee, Mr Sital Sandhar has been equally culpable in the poor management of the business, and it would not deem him to be a suitable Designated Premises Supervisor.

In order for this business to appoint a new Designated Premises Supervisor, and ensure that its store room, particularly with regard to alcohol, is managed properly, the Sub-Committee suspends the premises licence for four weeks and imposes the two conditions onto the premises licence, recommended by Trading Standards.

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7      APPLICATION FOR REVIEW OF PREMISES LICENCE –  
SUPERSTOP, 135 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Superstop, 135 Priory Road, Dudley.

Mr T Raj, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with his Solicitor, Mr Campbell, Ms K Nisar, Interpreter, and Mr Raj's son.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 28<sup>th</sup> June, 2013 in direct contravention of the licensing objectives.

Mr King further stated that on 28<sup>th</sup> June, 2013, during a routine inspection of the premises in relation to the sale of age restricted products, an officer found two 1ltr and two 70cl bottles of Glens Vodka displayed on the shelving behind the counter. On checking the bottles it appeared that they were displaying counterfeit duty paid labels on the rear of the bottles. The bottles were then seized and placed in a sealed evidence bag.

During the questioning of Mr Raj, he stated that the bottles had been purchased from a cash and carry outlet but did not specify which store. Mr Raj was then requested to submit the relevant receipt for the purchase of the alcohol.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

It was noted that the cases and bottles would not be available through the normal secure supply chain and reputable cash and carry outlets, and therefore would have been obtained on the black market.

It was further noted that on 15<sup>th</sup> August, 2012, Trading Standards together with West Midlands Police, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female child test purchase volunteer purchased a 70cl bottle of Caribbean Twist Mixed Mango with 4% alcohol by volume. The application for review of the premises licence was considered by a Sub-Committee on 30<sup>th</sup> October, 2012 where it was resolved that additional conditions would be attached to the premises licence.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

In responding to a question by Mr Campbell in relation to the bottles seized, Mr Wintrip confirmed that the number of bottles seized were relatively small compared to other establishments, and that the alcohol was genuine.

At this juncture, the Sub-Committee adjourned to read the statements submitted by Mr Raj and his employee Ms Harjinder Kaur.

In responding to a question raised by Mr Campbell in relation to the invoices submitted together with Mr Raj's statement which identified that Glens Vodka had been purchased from the cash and carry outlet, Mr King stated that he considered the questioning to be inappropriate, however although the invoices identified some purchases it did not provide a full account.

Reference was made to the conditions suggested by Trading Standards, it was noted that Mr Raj was in agreement with the conditions proposed.

PC Baldwin then presented the representations of West Midlands Police, including statements provided by police officers, and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to counterfeit goods at the premises and no recent reports of crime or disorder at the premises.

PC Baldwin further stated that there had been a number of calls and problems in the area in relation to youths and gangs hanging around the shop, purchasing alcohol and cigarettes and damaging local properties, street furniture and causing anti-social behaviour.

She further stated that police officers had observed an intoxicated man purchasing alcohol from the premises from an attendant named Mr A Johal.

In responding to comments made by PC Baldwin, Mr Campbell stated that there were no evidence or call logs to support the complaints made. In responding, PC Baldwin responded that the majority of the calls from residents would have been direct to the local Neighbourhood Team who would either deal with the matter directly or place an intelligence log onto the system; therefore it would be impossible to submit any formal record of evidence.

In responding to a question by Mr Campbell, PC Baldwin stated that officers visited the premises on 2<sup>nd</sup> July, 2013 following the seizure. It was noted that Mr Raj was not present at the premises, and officers spoke to Mr Johal who contacted Mr Raj who stated that he would return to the premises within an hour. When officers returned at the suggested time, Mr Raj was not present, and contact details were given for Mr Raj to contact West Midlands Police, however no contact had been received.

With reference to the alleged sale made to a drunken man, Mr Campbell stated that West Midlands Police were not present in the premises at the time of the sale, and therefore would be unable to determine whether the man appeared to be intoxicated or that Mr Johal knowingly sold the alcohol. In responding, PC Baldwin stated that the statements submitted suggested that the officers deemed the man to be intoxicated, and that the incident was highlighted to the Sub-Committee to evidence the poor management of the premises.

Mr Campbell then presented the case on behalf of Mr Raj, and in doing so Ms Nasir, on behalf of Mr Raj, stated that Mr Raj operated two businesses, including Super Stop and another located in Wolverhampton. Ms Nasir further stated that Mr Raj had never purchased alcohol and not paid duty tax, and that he usually purchased his stock from cash and carry outlets, namely, Soho and Bookers, who would provide him with an invoice.

Ms Nasir stated that Mr Raj had spoken to Ms H Kaur following the seizure of the counterfeit bottles, who confirmed that some men purchased vodka from the store for a party, only to return it two hours later, stating they wished to exchange it for whisky.

In responding to a question by Mr Campbell in relation to the training provided to Mr Johal; Ms Nasir stated that Mr Raj informed Mr Johal to not sell alcohol or cigarettes to persons under the age of eighteen or who appeared to be intoxicated. It was noted that refusals were regularly made at the premises.

In responding to comments made in respect of the contact between Mr Raj and West Midlands Police, Ms Nasir interpreted that officers would walk past the premises on a regular basis, and that no concerns were raised directly to Mr Raj.

In responding to questions asked by Mr Campbell, Ms Nasir stated that Mr Raj did not sell alcohol to persons under the age of eighteen, and described measures that had been implemented in the premises such as:

- (1) CCTV system installed both inside and out of the premises
- (2) Challenge 25 policy, which required identification such as passport or driving licence.
- (3) Posters displayed highlighting the need for identification, and in relation to purchasing alcohol for those under the age of eighteen.
- (4) All new employees undertook training together with a written test, and refresher training given.
- (5) Regular staff meetings every four weeks.

In response to a request made by Mr King, Mr Raj read out his statement, which was submitted to the Sub-Committee. It was noted that the statement had been drafted by Mr Campbell and later interpreted to Mr Raj.

Reference was made to Mr Raj's statement, in particular, his belief that his premises had been targeted by fraudsters, however he did not report the alleged fraud to West Midlands Police at the time of the seizure.

In responding to a question by Mr King in relation to the procedures in place if customers wished to return alcohol, Ms Nasir interpreted that the normal practice was to either refund or replace the alcohol with another product. It was noted that items such as sandwiches and unsealed goods would not be re-stocked on the shelves, and that Mr Raj did not maintain a record of returns. Mr Raj stated that in future he would request a customer's name and address should they wish to return any products.



Arising from Ms Kaur's statement, Ms Nasir interpreted that Mr Raj believed the statement to be true, and that four men substituted the four bottles of Vodka seized maliciously, as retaliation for Ms Kaur not returning advances.

In responding to a question by Mr King, it was noted that Mr Raj always bought his stock from cash and carry outlets, therefore the circumstances surrounding the counterfeit bottles provided was the only possible explanation, as there had never been a similar incident during the period Mr Raj had operated the business.

In responding to a question by Mr King, it was noted that Mr Raj attended the premises at various times during the day, as he also visited his other business in Wolverhampton. He stated that his son-in-law reviewed CCTV footage and informed him of any problems.

In responding to a question by Mr Wintrip, Ms Nasir interpreted that Mr Raj was unable to provide a till receipt for the bottles sold on 28<sup>th</sup> June, 2013, as he did not issue till receipts, preferring to write all sales in a notebook.

Following concerns raised in regard to Mr Raj's apparent lack of English, it was noted that Mr Raj did have a basic understanding of English and was able to communicate and train employees in Punjabi.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 28<sup>th</sup> June, 2013 and raised concerns that he had not been assured that the premises would be managed at a safe level or in accordance with the licensing objectives.

In summing up, PC Baldwin, on behalf of West Midlands Police, echoed the concerns raised by Trading Standards, and that she had concerns in relation to how the premises were being managed.

In summing up, Mr Campbell, on behalf of Mr Raj, reiterated comments made in respect of the evidence presented by Trading Standards and West Midlands Police. He further stated that there was no dispute in respect of the seizure, as it had been demonstrated that the bottles were counterfeit, however the explanations submitted by Mr Raj and Ms Kaur were plausible. He further stated that Mr Raj accepted all the conditions suggested, and that they would be sufficient enough to uphold the licensing objectives.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

## RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr Raj be removed as the Designated Premises Supervisor in respect of the premises, Super Stop, 135 Priory Road, Dudley.

The following conditions will be attached to the premises licence: -

### Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Raj was informed of his right to appeal the decision of the Sub-Committee.

## REASONS FOR DECISION

This is an application for a review of a premises licence, brought by Trading Standards, in the light of it seizing 4 bottles of counterfeit Vodka on 28<sup>th</sup> June, 2013. The vodka itself was genuine, but the duty labels are counterfeit and U.K. duty had not been paid on it. Mr Tilak Raj was asked for a receipt for the 4 bottles of counterfeit Vodka, none has been provided.

There had also been a failed test purchase on 5<sup>th</sup> August, 2012 at Super Stop, and the Licensing Sub-Committee attached conditions to the premises licence on 30<sup>th</sup> October, 2012.

The Police adduced statement evidence that on 19<sup>th</sup> June, 2012 at 14:06 hrs, 3 police officers spoke to a man named Colin, who had been assaulted, and had facial injuries, on who's breath they could smell alcohol. Two officers formed the view that he was drunk, and observed him being unsteady on his feet, and his speech slurred. One officer described him as extremely drunk. Within a few minutes of that police interview, he was observed to purchase alcohol from Super Stop, from an attendant named Aaron Johal.

Mr Johal stated that he noted the facial injuries but did not believe the man was drunk. Upon the evidence before the Sub-Committee, it finds that the man Colin was clearly drunk, and this was obvious to an observer. The sale was refused by one store before Super Stop, and should not have been made.

Mr Raj relies upon the evidence of an employee, Ms Harjinder Kaur, that on 7<sup>th</sup> June, some men purchased vodka from the store, only to return it 2 hours later, stating they wished to exchange it for whisky. This request was apparently granted but the store keeps no specific sale records to add weight to this submission. Mr Raj states today that the 4 bottles of Vodka seized were in fact the four bottles substituted maliciously by these men, as retaliation for Ms Kaur not returning a certain (unnamed) man's advances. Ms Kaur and Mr Raj state that they believe that this man sent the men to deliberately substitute counterfeit Vodka. For this to be a credible and effective malicious act, the man would have to have believed that these counterfeit bottles would be found (just three weeks later) by trading standards. Without this seizure, the alleged fraud would have had no impact on the store. The vodka was genuine in quality and not a risk to customer health or safety.

The Sub-Committee cannot understand the motive for this alleged fraud, except to cause the store to fall foul of a trading standards inspection. This would be an elaborate plan indeed.

Mr Raj has given evidence that he buys all his vodka from Cash and Carry, and has put numerous receipts before the Sub-Committee dated December, 2012 – May, 2013. He has however stated that he has no way of recording receipts and sales and no way of evidencing the exchange of goods in June, 2013, because he does not have automatic till receipts. The Cash and Carry receipts are all pre June, 2013.

The Sub-Committee finds that this premises is not being managed appropriately and in accordance with the licensing objectives. The Sub-Committee therefore takes the step of removing Mr Raj as the Designated Premises Supervisor, so that a competent Designated Premises Supervisor can be appointed. It also attaches the two conditions put forward by trading standards, and accepted by Mr Raj.

The Sub-Committee has not attached any weight to the more general police evidence.

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8      APPLICATION FOR HOUSE TO HOUSE COLLECTIONS  
LICENCE – HEART UK (INTERSECOND LTD)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Intersecond Ltd on behalf of the charity known as Heart UK.

It was noted that the applicant was not in attendance and notification of the non-attendance had not been received.

RESOLVED

That the grant of a House to House Collections Licence in respect of Intersecond Ltd be deferred to a future meeting of a Sub-Committee.

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The meeting ended at 2.35 pm

CHAIR

**Licensing Sub-Committee 2 – 14<sup>th</sup> January 2014**

**Report of the Director of Corporate Resources**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley, West Midlands, DY1 1PY

**Background**

2. The High Street Extras (Premier), was first issued with a premises licence on the 26<sup>th</sup> February, 2008, that licence was transferred on the 30<sup>th</sup> March, 2010.
3. The current premises licence is issued for the following:-  
  
Sale of Alcohol      Monday to Sunday inc      06.00 – 23.00
4. On the 18<sup>th</sup> October, 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 24<sup>th</sup> October, 2013, the Director of Public Health made representations. A copy of that report has been circulated to Committee Members interested parties, and premises licence holder.
8. On the 8<sup>th</sup> November, 2013, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.
9. The current premises licence holder is Mrs. U. Kalaichelvan.

10. This matter was considered by the Licensing Sub-Committee on the 10<sup>th</sup> December 2013, the Committee resolved that the matter be deferred due to the non attendance of the Premises Licence Holder.
11. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

12. There are no financial implications.

## **Law**

13. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
14. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  15. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  16. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;
    - d) to suspend the licence for a period not exceeding three months;
    - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

17. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
18. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
19. In this section “relevant representations” means representations which -
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
20. The requirements are -
  - (a) that the representations are made –
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c)
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
21. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
22. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
  - a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
23. A determination under this section does not have effect -
  - a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of

24. Pursuant to schedule 5 part 1, section 8(2)
25. An appeal may be made against the decision of the committee by –
- a) the applicant for the review
  - b) the holder of the premises licence or
  - c) any other person who made relevant representations in relation to the application for review.

### **Equality Impact**

26. This report takes into account the Council's policy on equal opportunities.
27. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
28. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

29. That the Sub-Committee determine the review of the premises licence in respect of The High Street Extras (Premier), 79 High Street, Dudley, West Midlands.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L. Rouse, 5377  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

### **List of Background Papers**



DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to High Street  
Extras /Premier 79 High Street, Dudley, DY1 1PY

Interested parties and relevant authorities may make  
representations in writing to the Licensing Office, Law and  
Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL  
between 19<sup>th</sup> October 2013 and 15<sup>th</sup> November 2013.

The Review of Licence has been requested by a relevant authority  
on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the  
Licensing Offices (address as above) between the hours of 9.00  
am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement  
in connection with an application and the maximum fine for which a  
person is liable on summary conviction for the offence is £5,000.



P J Tart  
Director of Corporate Resources

**Licensing Sub-Committee 2 - 14<sup>th</sup> January, 2014**

**Report of the Director of Corporate Resources**

**Application for review of Sexual Entertainment Venue Licence Conditions**

**Purpose of Report**

1. To review the conditions of licence in respect of the sexual entertainment venue licence issued to Mr Daljinder Singh Dhillon.

**Background**

2. At a meeting of the Council on the 19<sup>th</sup> July 2010, it was resolved with effect from the 1<sup>st</sup> September 2010 that the Council adopt the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. As a consequence of the coming into force of Section 27 of the Police and Crime Act 2009 on the 8<sup>th</sup> April 2010, giving Local Authorities in England and Wales the power to regulate sexual entertainment venues as sex establishments.

The Council also decided that:

- There shall be no more than one Sexual Entertainment Venue in Stourbridge Town Centre and one Sexual Entertainment Venue in Dudley Town Centre.
  - Any new application for a Sexual Establishments Licence (Sexual Entertainment Venue) be determined by a Licensing Sub-Committee and that the Licensing Sub-Committee consider amongst other issues the issue of proximity of Sexual Entertainment Venues to schools, nurseries, youth clubs and religious establishments when determining an application.
3. The effect of this amended legislation is to introduce a new category of Sex Establishment called Sexual Entertainment Venue ie:
    - Lap Dancing
    - Pole Dancing
    - Table Dancing
    - Strip Shows
    - Peep Shows
    - Live Sex Shows

Any premises offering these entertainments will require to be licensed as a Sex Establishment (Sexual Entertainment Venue) under the 1982 Act.

4. However, should the club wish to sell alcohol and or have regulated entertainment they will need to retain the Premises Licence under the Licensing Act 2003.
5. On the 18<sup>th</sup> February 2011, Silks Solicitors made application on behalf of Mr Daljinder Singh Dhillon for the grant of a Sexual Entertainments venue licence in respect of the premises known as Bandit Queen Gentlemen's Club, 93 King Street, Dudley, West Midlands, DY2 8NY. A copy of that application and a plan of the premises was forwarded to the Committee Members and interested parties.
6. That application was circulated to the Director of the Urban Environment (Food & Occupational Safety) and (Planning), West Midlands Police, West Midlands Fire Service. None of the agencies raised objections.
7. That application was considered by the Licensing Sub-Committee on the 7<sup>th</sup> June 2011. The Committee resolved that the application be approved.
8. The current Sexual Entertainment Venue licence is issued for the following days and times:-  
  
Monday to Sunday inc.  
11.00 a.m. until 7.00 a.m. the following morning
9. A copy of the conditions of licence are attached to this report as Appendix 1. The current licence bears the expiry date of the 31<sup>st</sup> August, 2014.
10. On the 29<sup>th</sup> August, 2103, Quality Solicitors, Silks, made application on behalf of their client Mr. Dhillon for the removal of the condition of licence which currently prevents the advertisement of the licensed premises. A copy of that letter of application is attached to this report as Appendix 2.
11. On the 4<sup>th</sup> November, 2013, Quality Solicitors Silks forwarded a copy of a draft advertisement which has been professionally designed on their client's behalf, a copy of that advertisement is attached to this report as Appendix 3.
12. This application falls within the Council's recent responsibility for Sexual Entertainment Venues which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

13. There are no financial implications.

## **Law**

14. The Local Government (Miscellaneous Provisions) Act 1982, Part II, Schedule 3 governs the licensing of Sexual Entertainment Venues. The Council adopted the amended schedule 3 to this Act on the 19<sup>th</sup> July 2010 to come into effect on the 1<sup>st</sup> September 2010. This allows the Council to regulate lap dancing and other sexual entertainments.
15. Under the Act there is a transitional period lasting for a period of 12 months. The transitional period will commence on the day the resolution is passed and be known as the first appointed day. Six months following the first appointed day will be known as the second appointed day and the day on which the transitional period ends will be known as the first appointed day.
16. If a premises is already trading under the Licensing Act 2003, they may trade until the third appointed day or the determination of any application they have submitted before that time.
17. A licence under this schedule shall not be granted:-
  - (a) to a person under the age of 18; or
  - (b) to a person whose licence under this Act has been revoked and is disqualified from holding a licence for a period of 12 months following the revocation of licence.
  - (c) to a person, other than a body corporate, who is not resident in (an EEA state) or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in (an EEA state) or
  - (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
18. In pursuance of paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982, Part II, the Council may refuse applications for the grant/renewal/transfer of a licence from new and existing operators on the following grounds:-
  - (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason:
  - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
  - (c) That the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Authority consider is appropriate to the locality.

- (d) That the grant or renewal of the licence would be inappropriate having regard:
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 19. Should the Committee refuse this application there is an appeal to the Magistrates Court within 21 days.
- 20. There is no appeal where the application has been refused on the grounds outlined in paragraph 18 of this report.

### **Equality Impact**

- 21. This report takes into account the Council's policy on equal opportunities.
- 22. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

- 23. That the Committee review the conditions of licence in respect of the sexual entertainment venue licence issued in respect of the Bandit Queen.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L. Rouse 5377  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

### **List of Background Papers**

DUDLEY METROPOLITAN BOROUGHLOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT,  
1982 PART 2 SCHEDULE 3 CONTROL OF SEX ESTABLISHMENTS.**CONDITIONS OF LICENCE SEXUAL ENTERTAINMENT VENUE****1: INTRODUCTION**

- 1) In these conditions 'the Council' shall mean the Borough Council of Dudley and all enquiries concerning the licence shall be directed to the Assistant Director (Law and Governance) 5 Ednam Road, Dudley, West Midlands, DY1 1HL.
- 2) These conditions are imposed by the Council pursuant to their powers under Section 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 to prescribe conditions and apply to each premises licensed as a 'Sexual Entertainment Venue' as defined by the act save as they do not conflict with any special conditions forming part of the licence nor with the provisions of the said Act.
- 3) These conditions are only applicable to a 'Sexual Entertainment Venue' as defined. Separate conditions exist in relation to a Sex Cinema' and 'Sex Shop' as defined by the said Act.

**2: OPENING HOURS**

The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours of 11am and 7am on any day.

**3: WINDOW, FASCIA BOARD ADVERTISEMENTS AND DISPLAYS**

- 1) The interior of the premises shall not be visible to passers-by and to that intent the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
- 2) The windows, doors and fascia board walls and all external parts of the premises including the roof shall not contain any form of writing sign or display save for:-
  - a) The address of the premises
  - b) The licensed name of the premises (as explained in paragraph 4 hereof)
  - c) Form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
  - d) The licence holder shall not permit the display outside of the premises photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

- e) A notice stating the opening hours of the establishment.

#### **4: CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

- 1) In the case of licensed premises which are a vessel or stall the licence holder shall not move the licensed vessel or stall from the location specified in the licence unless he shall first give the Council not less than 28 days notice in writing of such intended removal and the Council may require him to lodge such written application as they deem appropriate and pay such fee as they deem reasonable in respect of such application provided that this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which regularly moved (whether under its own propulsion or otherwise) from another place to such location as is specified in the licence and which is not used for the purposes for which the licence is granted and any other location than that which is specified.
- 2) In the case of a business conducted from fixed premises no alteration of any kind shall be made to the interior or the exterior of the premises (including any change in the permitted signs displayed there at) or in the manner in which the windows and doors are obstructed unless the licence holder shall first obtain the written consent of the Council.

#### **5: RESPONSIBILITY OF THE LICENCE HOLDER**

The licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

#### **6: VARIATION OF CONDITIONS**

The Council may at any time waive modify these conditions or impose additional conditions in any particular case.

#### **Staff Changes**

Local Authority to be notified within 14 days of any staff changes. Staff shall be defined any employee who is employed by the Licensee Holder subject to a 'Contract of Service' but shall exclude an employee employed subject to a 'Contract for Services'.

#### **SPECIAL CONDITIONS OF LICENCE**

1. 'Sexual Entertainment Venue' (SEV) means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- 2) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.



- 3) Only Permitted Relevant Entertainment is authorised under this licence.
  - i. 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 4) Permitted relevant entertainment may only take place on those parts of the premises as are identified on the plan submitted with the application and approved by the council at the time of granting this licence.
- 5) Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G String (female) and or pouch (male) covering the genitalia as well as one other over laying of clothing.
- 6) Relevant entertainment shall not be provided in a 'private room', cubicle, or other areas, unless that room, cubicle or other area is either:-
  - a. Completely open on one side, or,
  - b. Can at all times be observed by the Licence Holder or any person acting on their behalf via a CCTV surveillance system approved by the Committee to enable activities within to be supervised from the exterior by the Licence Holder or any person acting on their behalf.
- 7) No fastening or lock of any description shall be fitted upon any booth, cubicle or other area within the premises except within the toilets or within the performer's dressing room and staff areas.

### **Exhibition of Licence**

- 8) A copy of the Licence and these Regulations as issued by the Council shall be retained in a clean and legible condition, suitably framed and exhibited in a position that can be easily seen by all persons using the premises.
- 9) A copy of the conditions of the Licence and these Regulations shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
- 10) No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person will be admitted" so that it can be easily read by persons entering the premises.
- 11) Any person connected with or employed by the business who can be observed from the outside from the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible)
- 12) The licence holder must provide a copy of its Club Rules to the Council and West Midlands Police.



## **Performers**

- 13) The licensee must ensure that all performers are:
- i. Performance shall be aged not less than 18 years.
  - i. All performers and staff shall be aware of the Club Rules,
  - ii. All performers shall be aware of their responsibilities and role as contained in the conditions of the Licence Regulations,
  - iii. Performers must not accept any telephone number, email address, address, or contact information from any customer,
  - iv. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience,
  - v. No member of the audience shall be permitted to enter any changing area used by performers, and,
  - vi. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of the performers.

## **Performances**

- 14) The Licensee must ensure that during performances to which this licence relates:
- i No performance shall include any sex act, sex show, or shows any act that clearly simulates any sexual act with any other performer, patrons, members of the audience, employees, contractors, or with the use of an object.,
  - ii During any performance (including performances usually termed 'private dances') performers may not have any physical contact with a customer at any time during the performance, except:
    - Prior to the performance or at the completion of the performance there may be hand-to-hand payment, or the placing of money in a garter for the performance.
  - iii Performers must never touch the genitals or breasts of another dancer or permit another dancer to touch their genitals or breasts,
  - iv Performers may not use inappropriate, suggestive or sexually graphic language at any time.
  - v Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.
  - vi Performers must not sit on or straddle a patron or a member of the audience,

vii Performers must dress fully at the end of each performance. (In accordance with paragraph 5 of these conditions).

- 15) The Licensee must ensure that during performance to which this licence relates:
- i Patrons or members of the audience may not dance at any time and must remain seated during the entire performance of the dance,
  - ii Patrons or members of the audience must remain appropriate clothed at all times, and,
  - iii Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phone.

### **Door Supervisors**

- 16) The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitable licensed by The Security Industry Agency or appropriate agency.
- 17) At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.
- 18) An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee shall be on duty on the premises whilst relevant entertainment take place.

### **CCTV**

- 19) The licensee shall ensure that CCTV is installed and maintained to the satisfaction of the Licensing Authority and West Midlands Police, and the images are retained for a period of not less than 28 days and made available upon request by a Police Officer or an authorised officer of the Licensing Authority.
- 20) The system shall cover all entrances and exits, and areas where relevant entertainment will take place.
- 21) The licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured.

### **Advertising for Business away from the Premises**

- 22) The licensee shall not allow the use of vehicles including limousines for the promotion or the relevant entertainment.
- 23) The collection of patrons and or potential clients is not permitted unless the vehicle and driver is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

- 24) The Council have permitted the promotion of the business by allowing performers to hand out advertising literature in the area around the licensed premises. The Sub Committee gave the authority provided:-
- a. The performers are fully dressed
  - b. The performers are at all times accompanied by a security officer to ensure their safety
  - c. The literature itself complies with the standards laid down by the Advertising Standards Agency
- 25) The licensee shall ensure that any marketing communications, advertising associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

#### **Sale of Sex Articles**

- 26) No sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in 'Sexual Entertainment Venue'.

#### **Admission of Authorised Officers**

- 27) Authorised Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request shall be admitted immediately at all responsible times and at any time the premises are open for business to all parts of the premises.

DATED: 10<sup>th</sup> October 2013

Director of Corporate Resources



**Quality Solicitors  
Silks**

Our Ref:- TJB/NMH

Your Ref:- 4/Sev(0001)LR/MH

29<sup>th</sup> August 2013.

Mr. M.Hanson,  
Dudley MBC Licensing Section,  
Dudley Metropolitan Borough Council,  
Law & Governance,  
5,Ednam Road,  
Dudley,  
West Midlands,  
DY1 1HL

Dear Sir,

Re:- Bandit Queen Gentlemens' Club

On behalf of our client named above we would be obliged if you would place before your Licensing Committee our client's request that the Committee consider removing from our client's Sexual Entertainment Venue Licence the conditions which prevent our client advertising their venue in any way.

In support of this request our client would refer the Committee to the fact that the Licensing Committees for surrounding areas appear to have removed these conditions from similar licences which they have granted, even where those conditions were imposed when licences were originally granted. For example, our enquiries of the Licensing Department at West Bromwich reveal that some time ago the Committee removed such conditions from a licence for a venue known as Angels.

The effect of other areas removing these conditions is that numerous adverts for venues licensed in those areas have appeared on bill boards, on buses and private vehicles over a wide area. There is, of course, no restriction on the areas where these adverts can appear, and buses with such adverts often travel through the Dudley area and to the Dudley bus station.

We enclose a number of photographs taken by our client some weeks ago which show adverts by both Angels and Spearmint Rhino on bill boards situated in Sandwell, opposite the City Hospital and at Five Ways in





Birmingham and we are aware that similar bill board adverts for Angels have subsequently been erected just off the ring road in Wolverhampton and opposite the Zoo in Dudley.

The effect on our client is that he is unable to compete on a proper business basis with these other venues licensed in other areas, which we believe can only result in a further loss of business to the centre of Dudley.

As you are aware, our client has always complied with his licence conditions, and has at no time been the subject of any adverse report from the police, notwithstanding that he has been in business from this venue since the end on November 2005.

We would therefore be obliged if you would place this letter and the accompanying photographs before the Licensing Committee for members' consideration. If the Committee should wish our client to attend before them please do not hesitate to contact us.

Yours faithfully,

Quality Solicitors Silks.







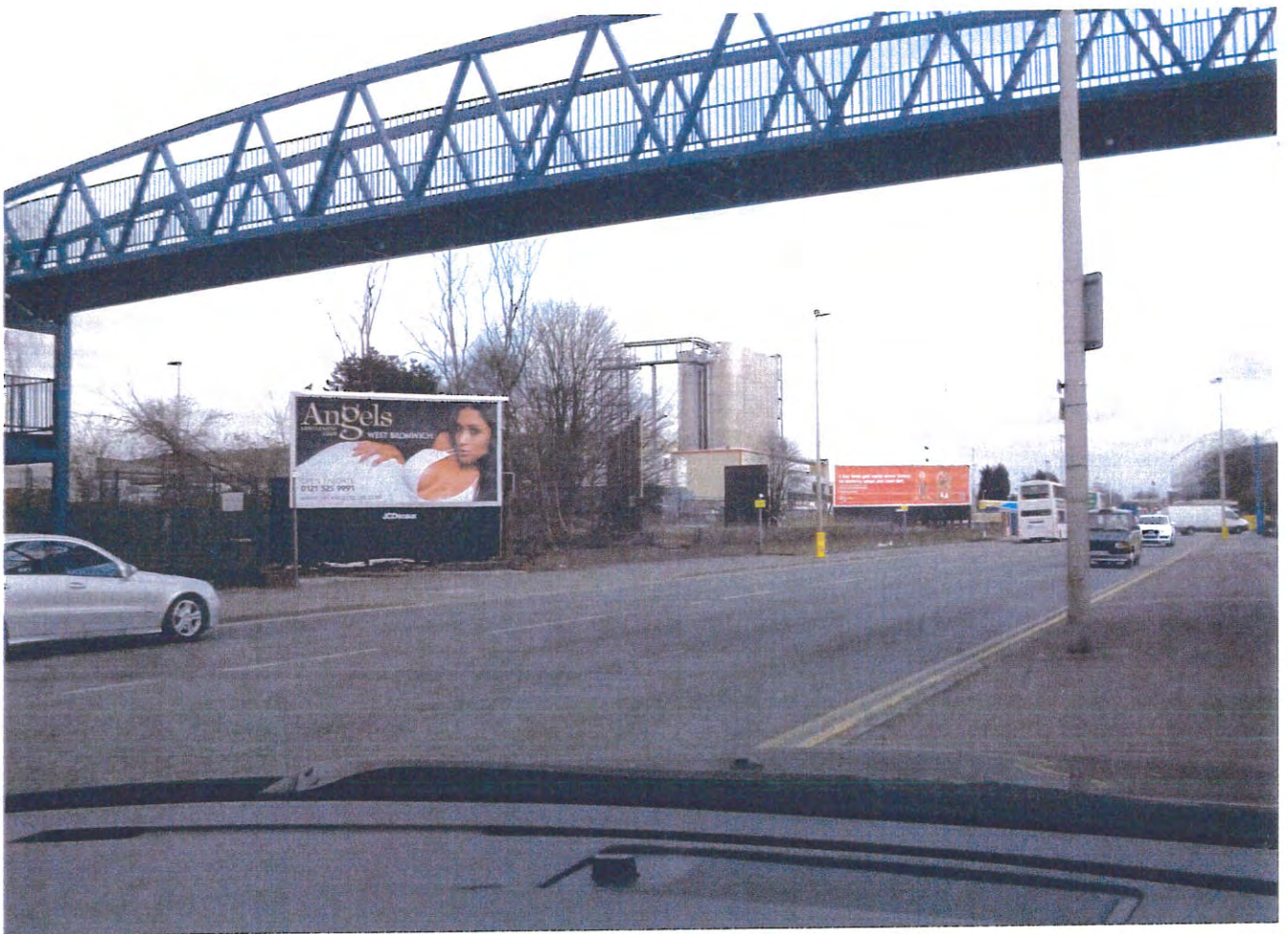


OPEN 7 DAYS  
8PM TILL LATE

# Angels

WEST BROMWICH  
303 HIGH STREET, B70 8ND

primesight











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**Licensing Sub-Committee 2 - 14<sup>th</sup> January, 2014**

**Report of the Director of Corporate Resources**

**Application for House to House Collections Licence**

**Royal Orthopaedic Hospital Bone Tumour Service (ROHBTS)/Be Child Cancer Aware (BCCA) and Recycling and Management Services Ltd (R & MS Ltd)**

**Purpose of Report**

1. To consider the application for the grant of a House to House Collections Licence in respect of Recycling and Management Services Ltd on behalf of the charities known as the Royal Orthopaedic Hospital Bone Tumour Services and Be Child Cancer Aware.

**Background**

2. On the 16<sup>th</sup> October 2013 Mr Nicholas John Kell of R & MS Ltd made application for a House to House Collections Licence in respect of the charity known as ROHBTS. A copy of that application was forwarded to Committee Members and interested parties.
3. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
4. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009 the Council introduced a further policy that all applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes. Copies of those accounts have been circulated to Committee Members and interested parties.

5. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.
6. This matter was considered by the Licensing Sub-Committee 3 on the 3<sup>rd</sup> December, 2013, the Committee resolved that the application be deferred due to the none attendance of the applicant, Mr. Kell.
7. On the 14<sup>th</sup> November, 2013, Mr. Kell also submitted an application for the grant of a House to House Collections licence in respect of Recycling and Management Services Ltd. on behalf of the charity known as Be Child Cancer Aware, copies of that application along with the relevant accounts have been circulated to Committee members and interested parties.
8. The application was also circulated as in paragraph 5. above.
9. None of the agencies raised objections.
10. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

### **Finance**

11. There are no financial implications.

### **Law**

12. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
13. Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
  - (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
  - (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
  - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
  - (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the

United Kingdom of any offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.

- (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
  - (f) that the applicant or holder of the licence has refused or neglected by furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.
14. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

### **Equality Impact**

15. This report takes into account the Council's policy on equal opportunities.
16. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

17. That the Committee consider the applications for House to House Collections Licences in respect of Recycling and Management Services Ltd.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**